

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Levy

Art Unit: 2624

Application No: 10/774,312

Confirmation No.: 5422

Filed: February 5, 2004

VIA ELECTRONIC FILING

For: WATERMARKING SYSTEMS AND
METHODS

Examiner: K. Fujita

**PATENT 7,702,125
ISSUED APRIL 20, 2010**

Date: May 12, 2010

APPLICATION FOR PATENT TERM ADJUSTMENT

(Request for Reconsideration of PTO's Patent Term Adjustment Determination)
(37 CFR 1.705(d))

Sir,

Applicant requests reconsideration of the Office's Patent Term Adjustment (PTA) Determination. In particular, applicant believes the 1619 day PTA listed on patent 7,702,125 is incorrect; the correct PTA is believed to be 1836 days.

Statement of Facts

The calculation of PTO Delay is believed to be in error; Applicant submits it is longer than the 1619 days indicated on patent 7,702,125.

Applicant delay, as calculated by the PTO, is not disputed. It is 5 days.

The 14-month-to-first-action delay, as calculated by the PTO, is not disputed. It is 854 days.

Applicant respectfully submits the 3-year-to-issuance delay has been miscalculated. The application was filed on February 5, 2004. The patent issued – without any RCEs – on April 20, 2010. The difference between February 5, 2007 (the 3 year filing anniversary) and the issue date of April 20, 2010 is 1170 days.

There is an overlap between the 14-month and 3-year delays. This overlap is the difference between the first action mailing date (August 7, 2007) and the end of the 3-year-to-issuance date (February 5, 2007), or 183 days.

Applicant thus believes the correct PTA should be 1836 days, computed as follows:

854 days	14 Month to first action delay
1170 days	3 Year to issuance delay
-183 days	Overlap between the above
<u>-5 days</u>	Applicant delay
1836 days	

There was no circumstance constituting a failure to engage in reasonable efforts to conclude processing or examination of the application – other than those already considered in the PTO's earlier determination of patent term adjustment.

Date: May 12, 2010

Respectfully submitted,

DIGIMARC CORPORATION

CUSTOMER NUMBER 23735

Phone: 503-469-4800
FAX 503-469-4777

By /William Y. Conwell/
William Y. Conwell
Registration No. 31,943